



SO ORDERED,

A handwritten signature in blue ink that reads "Edward Ellington".

Judge Edward Ellington  
United States Bankruptcy Judge  
Date Signed: August 22, 2016

The Order of the Court is set forth below. The docket reflects the date entered.

---

IN THE UNITED STATES BANKRUPTCY COURT FOR THE  
SOUTHERN DISTRICT OF MISSISSIPPI

IN RE:  
WILLIAM S. ROBERTS  
SARA A. ROBERTS

CHAPTER 13  
CASE NO. 0306146EE

JAMES L. HENLEY, JR., TRUSTEE

VS.

ADVERSARY NO. 1500051EE

PATRICK C. MALOUF, AND PORTER  
& MALOUF, P.A.

**JUDGMENT ON MOTION TO DISMISS**

Consistent with the Court's Opinion dated contemporaneously herewith,

**IT IS THEREFORE ORDERED** that the *Motion to Dismiss* (Adv. Dkt. #18) filed by Patrick C. Malouf and Porter & Malouf, P.A. is well-taken in part and that the Chapter 13 Trustee's claim pursuant to 11 U.S.C. § 327 found in the *Complaint for Turnover of Property, Declaratory Judgment and Equitable Relief* (Adv. Dkt. #7) is hereby dismissed.

**IT IS FURTHER ORDERED** that the *Motion to Dismiss* (Adv. Dkt. #18) filed by

Patrick C. Malouf and Porter & Malouf, P.A. is not well-taken in part and that the motion is hereby denied as to the Chapter 13 Trustee's claim pursuant to 11 U.S.C. § 521 and Federal Rule of Bankruptcy Procedure 9019 found in the *Complaint for Turnover of Property, Declaratory Judgment and Equitable Relief* (Adv. Dkt. #7).

**IT IS FURTHER ORDERED** that the Court will defer ruling on the *Motion to Dismiss* (Adv. Dkt. #18) filed by Patrick C. Malouf and Porter & Malouf, P.A. as to 11 U.S.C. § 542 found in the *Complaint for Turnover of Property, Declaratory Judgment and Equitable Relief* (Adv. Dkt. #7) until the Court rules on the *Order to Show Cause* issued contemporaneously with the *Memorandum Opinion and Judgment on Motion to Dismiss*.

**## END OF ORDER ##**